

AARON STREEPY, WSBA #38149  
JAMES MCGUINNESS, WSBA #23494  
STREEPY LAW, PLLC  
4218 227<sup>th</sup> Ave Ct. East  
Buckley, WA 98321  
(253) 528-0278

**The Honorable Thomas O. Rice**

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED FOOD AND COMMERCIAL  
WORKERS UNION, LOCAL 3000, a  
non-profit corporation; UNITED FOOD  
AND COMMERCIAL WORKERS  
UNION, LOCAL 21, a non-profit  
corporation; UNITED FOOD AND  
COMMERCIAL WORKERS UNION,  
LOCAL 1439, a non-profit corporation;  
AND FAYE IRENE GUENTHER, an  
individual,

Plaintiffs,

v.

JOSEPH H. EMMONS, individually,  
AND OSPREY FIELD CONSULTING  
LLC, a limited liability company,

Defendants.

NO. 2:22-CV-00272-TOR

DECLARATION OF JAMES G.  
MCGUINNESS IN SUPPORT OF  
PLAINTIFFS' RESPONSE TO  
MOTION TO DISMISS

**05/24/2023**

**With Oral Argument: 9:00 a.m.**

I, James G. McGuinness declare as follows:

- 1 1. I was one of the attorneys representing the Plaintiffs in the state court  
2 action before it was removed to this Court. I give this Declaration based  
3 on personal knowledge of the assertions contained herein.
- 4 2. Attached to my Declaration as Exhibit A is a true and accurate copy of  
5 Defendants' first discovery request to Plaintiffs dated August 8, 2022.
- 6 3. Attached to my Declaration as Exhibit B is a true and accurate copy of  
7 Defendants' second discovery request to Plaintiffs dated September 7,  
8 2022.
- 9 4. Attached to my Declaration as Exhibit C is a true and accurate copy of  
10 Plaintiffs' first discovery requests to Defendants dated September 2, 2022.
- 11 5. Attached to my Declaration as Exhibit D is a true and accurate copy of  
12 Defendants' notice to Plaintiffs of their intent to file a motion to dismiss  
13 the complaint under the Uniform Public Expression Protection Act.
- 14 6. Attached to my Declaration as Exhibit E is a true and accurate copy of  
15 Defendants' follow up demand for answers to their discovery request to  
16 Plaintiffs dated September 23, 2022.
- 17 7. Attached to my Declaration as Exhibit F is Plaintiffs' notice to  
18 Defendants of the automatic stay in effect under RCW 4.105.030.
- 19 8. Attached to my Declaration as Exhibit G is an email dated October 11,  
20 2022, from me to Defense counsel offering to modify Plaintiffs'  
21 outstanding discovery requests following a discovery conference between  
22 counsel on October 10, 2022.
- 23

- 1 9. Attached to my Declaration as Exhibit H is an email from Defense  
2 counsel dated October 24, 2022, informing me that the Defendant Joseph  
3 H. Emmons would not provide answers to the Plaintiffs' discovery  
4 written requests or submit to a deposition upon oral examination.  
5
- 6 10. Attached to my Declaration as Exhibit I are emails from Defendants'  
7 counsel indicating Defendants planned to refile their dispositive Motion  
8 with this Court. The email exchange also confirms that Defendant Joseph  
9 H. Emmons is not willing to answer Plaintiffs' modified written discovery  
10 requests or submit to a deposition upon oral examination.  
11
- 12 11. On February 16, 2023, the parties filed a stipulation with the Court. In  
13 part, the stipulation reflected a "discovery agreement" the parties made in  
14 advance of Defendants' Motion to dismiss. "Defendants agree not to seek  
15 remedies available under UPEPA prior to discovery. Plaintiffs agree not  
16 to move for or serve discovery unless and until the Court decides that they  
17 have pleaded a claim upon which relief can be granted under Rule 12, or  
18 the Court converts Defendants' Rule 12 motion to dismiss to a Rule 56  
19 motion for summary judgment. Notwithstanding this agreement,  
20 Plaintiffs may argue that discovery is necessary in opposing a motion to  
21 dismiss. ("Discovery Agreement").  
22  
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1 **I DECLARE UNDER PENALTY OF PERJURY THAT THE**  
2 **FOREGOING IS TRUE AND CORRECT**

3 Executed in Bigfork, MT this 26th day of March, 2023

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5 s/James G. McGuinness  
6 James G. McGuinness  
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1 I hereby certify that on March 27, 2023, I electronically filed the  
2 foregoing and attached exhibits with the Clerk of the Court using the CM/ECF  
3 system which will send notification of such filing to the parties who have  
4 appeared in the above case.

5 Dated: March 27, 2023.

6  
7 s/Aaron Streepy

8 Aaron Streepy, WSBA No. 38149  
9 4218 227<sup>th</sup> Ave Ct. East  
10 Buckley, WA 98321  
11 Telephone: (253) 528-0278  
12 Email: [aaron@mcguinnessstreepy.com](mailto:aaron@mcguinnessstreepy.com)

13 *Counsel for Plaintiffs*  
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## **EXHIBIT A**

**RE: UFCW 3000 et al. v. J, Emmons/Osprey Field Consulting LLC**

DiLorenzo, John <johndilorenzo@dwt.com>

Mon 8/8/2022 5:55 PM

To: Jim McGuinness <jim@mcguinnessstreepy.com>; Kumar, Ambika <AmbikaKumar@dwt.com>

Cc: Aaron Streepy <Aaron@mcguinnessstreepy.com>; DiLorenzo, John <johndilorenzo@dwt.com>

Hello Jim and Aaron,

Thank you for affording us 45 days in which to respond to your complaint. Ambika will handle service issues with you under separate cover. In the meantime, we are investigating the allegations in your complaint to ready our ultimate response.

Your complaint appears to seek compensation for damage to union officers' reputations, Fay Guenther's (UFCW 3000's President) "emotional distress, pain and suffering," and the cost of responding to the flyers, plus attorneys' fees. Can you provide us a good faith estimate of what those damages would amount to in terms of dollars?

I understand you wish the flexibility of proving damages at trial but hope you can give us a rough estimate of at least a range of what they would amount to.

That will help us further evaluate your claim. Thanks.

**John DiLorenzo | Davis Wright Tremaine LLP**

1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201

Tel: (503) 778-5216 | Fax: (503) 276-5716 | Mobile: (503) 704-5162

Email: [johndilorenzo@dwt.com](mailto:johndilorenzo@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

Bio: [www.dwt.com/people/JohnADiLorenzoJr](http://www.dwt.com/people/JohnADiLorenzoJr)

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Washington, D.C.

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**From:** Jim McGuinness <jim@mcguinnessstreepy.com>

**Sent:** Friday, August 5, 2022 1:17 PM

**To:** Kumar, Ambika <AmbikaKumar@dwt.com>; DiLorenzo, John <johndilorenzo@dwt.com>

**Cc:** Aaron Streepy <Aaron@mcguinnessstreepy.com>

**Subject:** UFCW 3000 et al. v. J, Emmons/Osprey Field Consulting LLC

**[EXTERNAL]**

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**Dear Ambika:**

**Per John's email to Aaron Streepy, I am reaching out to you about acceptance of service in the above-referenced matter. I've attached an acceptance document for your review. I've dated it for Monday in case you are not available today. Please let us know if it is acceptable as drafted or if you have any concerns. Thank you.**

**Sincerely,**

**James G. McGuinness**

**Streepy Law, PLLC**

**(253) 528-0274 (direct line)**



## **EXHIBIT B**

**UFCW 3000, et al. v. Emmons, et al., Case No. 22-2-02442-32 - RCW 7.96.050 Request**

**Fairchild, Sara <SaraFairchild@dwt.com>**

Wed 9/7/2022 3:59 PM

To: Jim McGuinness <jim@mcguinnessstreepy.com>; Aaron Streepy  
<Aaron@mcguinnessstreepy.com>; bmayo@pklawyers.com <bmayo@pklawyers.com>

Cc: Kumar, Ambika <AmbikaKumar@dwt.com>; DiLorenzo, John <johndilorenzo@dwt.com>; Stark, Michelle  
<MichelleStark@dwt.com>

Counsel,

Pursuant to RCW 7.96.050, Mr. Emmons and Osprey Field Consulting LLC request you provide all reasonably available information material to the falsity of the statements your clients allege are defamatory or otherwise actionable. In making this request, Mr. Emmons and Osprey Field Consulting do not concede responsibility for the statements and reserve all rights and defenses.

Thanks,  
Sara

**Sara Fairchild | Davis Wright Tremaine LLP**

920 Fifth Avenue, Suite 3300 | Seattle, WA 98104

Tel: (206) 757-8234 | Fax: (206) 757-7234

Email: [sarafairchild@dwt.com](mailto:sarafairchild@dwt.com) Website: [www.dwt.com](http://www.dwt.com)

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Washington, D.C.

## **EXHIBIT C**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR SPOKANE COUNTY

UNITED FOOD AND COMMERCIAL  
WORKERS UNION, LOCAL 3000, a non-  
profit corporation; UNITED FOOD AND  
COMMERCIAL WORKERS UNION, LOCAL  
21, a non-profit corporation; UNITED FOOD  
AND COMMERCIAL WORKERS UNION,  
LOCAL 1439, a non-profit corporation; AND  
FAYE IRENE GUENTHER, an individual,

Plaintiffs,

v.

JOSEPH H. EMMONS, an individual AND  
OSPREY FIELD CONSULTING LLC, a  
limited liability company,

Defendants.

NO. 22202442-32

**PLAINTIFFS' FIRST DISCOVERY  
REQUESTS TO DEFENDANT JOSEPH  
H. EMMONS**

TO: Defendant Joseph H. Emmons

AND TO: His Attorneys

**I. INSTRUCTIONS**

**A. Interrogatories.**

Pursuant to CR 26 and CR 33, defendant Joseph H. Emmons is requested to answer the  
following interrogatories in writing and under oath and, after you and your attorney sign them

PLTFS' FIRST DISCOVERY REQUESTS  
TO DEFENDANT JOSEPH H. EMMONS- 1 of 18

STREEPY LAW PLLC  
4218 227<sup>th</sup> Ave Ct. East  
Buckley, WA 98321  
Telephone (253) 528-0278

1 below, to serve a copy upon the undersigned counsel at the offices of STREEPY LAW PLLC,  
2 4218 227<sup>TH</sup> Avenue, Ct. East, Buckley, WA 98321 or electronically pursuant to any electronic  
3 service agreement executed between counsel for the parties. You must serve your answers  
4 within thirty (30) days after the interrogatories are served upon you.

5 Space for your answers has been provided after each interrogatory. If the space  
6 provided for the answer is not sufficient, please attach additional pages to the page upon which  
7 the answer is set forth. In answering these interrogatories, you are to furnish all information  
8 that is available to you, not just information that is of your own knowledge.

9 *These Interrogatories are continuing in nature.* These interrogatories require you to  
10 provide supplemental answers which set forth any information within the scope of the  
11 interrogatories acquired or discovered by you following service of your original answers.

12 **B. Request for Production of Documents.**

13 Pursuant to CR 26 and CR 34, you are requested to produce for inspection and copying  
14 the documents described in each request below at the offices of STREEPY LAW PLLC, 4218  
15 227<sup>TH</sup> Avenue, Ct. East, Buckley, WA 98321 or electronically pursuant to any electronic  
16 service agreement executed between counsel for the parties. True and accurate copies of the  
17 requested documents shall be provided within thirty (30) days after these requests are served  
18 on you.

19 These requests for production are intended to encompass the original document and all  
20 copies that differ from the original in any respect, for example, by reason of notations made  
21 upon the copy. These requests are also intended to encompass all documents of any nature  
22 which are now, or have at any time been, within your care, custody, or control.  
23

1 If you contend that any document encompassed by any request is privileged, in whole  
2 or in part, or if you otherwise object to its production, then with respect to each such document:

3 1. State with particularity the reason or reasons for your objection and the nature  
4 of any privilege asserted;

5 2. Identify each person having knowledge of the factual basis, if any, upon which  
6 the privilege or other objection is asserted; and

7 3. State the following:

8 a. The date of the document;

9 b. The nature or type of the document (e.g., whether letter, memorandum,  
10 resolutions);

11 c. Identify each individual who prepared the document;

12 d. Identify each person to whom the document, or a copy thereof, has at  
13 any time been provided;

14 e. Identify each person from whom the document has been obtained;

15 f. Identify each person or entity having possession of the original of the  
16 document (or if the whereabouts of the original are unknown, identify  
17 each person or entity known or believed to have a copy or copies  
18 thereof);

19 g. All other information necessary to identify the document with sufficient  
20 particularity to meet the requirements for its inclusion in a motion for  
21 production pursuant to CR 37; and  
22  
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h. If such document was, but is no longer within your care, custody, or control, state what disposition was made of it, who disposed of it, the reason for such disposition, and the date upon which it was so disposed.

***These Requests for Production are continuing in nature.*** These production requests require you to furnish any document within the scope of this request acquired or discovered by you following service of your original production of documents.

## **II. DEFINITIONS**

Included below are definitions of the terms used in these discovery requests. Please read these definitions carefully. Some of the terms used in these requests for production are given definitions which may be more expansive than the definitions which those terms are given in common usage.

1. The term “**and**” shall also mean “or,” and the term “**or**” shall also mean “and.”

2. The term “**communication**” means any exchange, transfer or transmittal of information, ideas, commentary, thoughts, actions or opinions at any time or place and is not limited to transfers between persons, but includes other transfers, such as toll transfers, computer transfers, modem transfers, and the transference of records and memoranda to file.

3. The term “**describe**,” when used in reference to matters of fact or contention, means to state every material fact and circumstance specifically and completely (including, but not limited to, date, time, location, and the identity of all participants), and whether each such fact or circumstance is stated on knowledge, information, or belief, or is alleged without foundation.

4. The term “**document**” or “**documents**” shall refer to and include the original (or an identical duplicate if the original is not available), and any non-identical copies (whether

1 non-identical because of notes made on copies or attached comments, annotations, marks,  
2 transmission notations, or highlighting of any kind) of writings of every kind and description  
3 that are fixed in any form of physical media. Physical media include, but are not limited to,  
4 paper medial, phonographic media, photographic film media (including pictures, films, slides  
5 and microfilm), magnetic media (including but not limited to hard disks, floppy disks, compact  
6 disks and magnetic tapes of any kind), computer memory, optical media, magneto-optical  
7 media, and other physical media on which notations or marking of any kind can be affixed.

8 Documents include, by way of example only, any memorandum, request envelope,  
9 correspondence, electronic mail, electronic mail attachment, report, Post-It, message, telephone  
10 message, telephone log, diary, journal, appointment calendar, calendar, group scheduler  
11 calendar, drawing, painting, accounting paper, minutes, working paper, financial report,  
12 accounting report, work papers, drafts, facsimile, facsimile transmission, report, contract,  
13 invoice, record of purchase or sale, Teletype message, chart, graph, index, directory, computer  
14 directory, computer disk, computer tape, or any other computerized record, written, recorded,  
15 transcribed, printed, typed, punched, taped, filmed, or graphic matter however produced or  
16 reproduced. Documents also include the file, folder tabs, and labels appended to or containing  
17 any documents.

18 5. The term “identify” or “identity,” when used in reference to an individual  
19 person, means to state his/her full name, present address and telephone number (or last known  
20 address and telephone number), his/her present or last known position and business affiliation  
21 at the time in question.

22 The term “identify” or “identity,” when used in reference to documents, means to state  
23 the date and author, type of document or some other means of identifying it, and its present



1 location or custodian. If any such document was, but is no longer in your possession or subject  
2 to your control, state what disposition was made of it. In lieu of identifying any document, you  
3 may produce the document, though your answer should state where the particular document  
4 can be located among all produced documents.

5 The term "identify" or "identity" when used in reference to any electronic data, means  
6 to state the software and/or operating system under which the data was created, title and author,  
7 the type of data (example: word processing document, spreadsheet, database, application  
8 program, resolutions), and all other means of identifying it with sufficient particularity to meet  
9 the requirements for its inclusion in a Request for Production pursuant to the Rules of Civil  
10 Procedure, and its present or last known location or custodian. If any such electronic data was,  
11 or no longer is, in your possession or subject to your control, state what disposition was made  
12 of it and the reason for such disposition.

13 The term "identify" or "identity," when used in reference to a business, organization, or  
14 other entity, means to give the legal name of the entity, a description of its nature (e.g.,  
15 corporation, partnership, joint venture, resolutions), any business or assumed names under  
16 which it does business, its principal place of business, and the address and telephone number  
17 of the office(s) of such entity.

18 The term "identify" or "identity," when used in reference to a statement requires that  
19 you state the date on which the statement was given, where it was given, the names and  
20 addresses of the person or persons to whom it was given or by whom it was taken and who has  
21 custody of such statement or copies thereof. If any statement was, but is no longer, in your  
22 possession, custody or control, state what disposition was made of it and reasons therefore.

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1 party to this action or any attorney you have consulted for legal advice concerning the subject  
2 matter of Plaintiffs' complaint.  
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4 **ANSWER:**  
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8 **INTERROGATORY NO. 3:** State whether you entered any retail establishment(s)  
9 (including retail grocery stores) located in Washington State between December 1, 2021 and  
10 March 1, 2022 with the flyer identified as Exhibit A to these discovery requests or a  
11 substantively identical version or copy of that flyer on your person.

12 **ANSWER:**  
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15 **INTERROGATORY NO. 4:** State whether you entered any retail establishment(s)  
16 (including any retail grocery stores) located in Washington State between December 1, 2021  
17 and March 1, 2022 for the purposes of distributing or disseminating the flyer identified as  
18 Exhibit A to these discovery requests or a substantively identical version or copy of that flyer  
19 to employees or customers.  
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21 **ANSWER:**  
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1           **INTERROGATORY NO. 5:** State whether you entered any retail establishments  
2 (including retail grocery stores) located in Washington State between December 1, 2021 and  
3 March 1, 2022 with the flyer identified as Exhibit A to these discovery requests or a  
4 substantively identical version or copy of that flyer on your person and actually did distribute  
5 or disseminate the flyers to employees or customers or place them in a location in the store  
6 where you expected employees or customers to see and read the flyer.

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8           **ANSWER:**  
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11           **INTERROGATORY NO. 6:** State whether any person or entity not a party to this  
12 action requested that you enter any retail establishments (including any retail grocery stores)  
13 located in Washington State between December 1, 2021 and March 1, 2022 to distribute or  
14 disseminate the flyer identified as Exhibit A to these discovery requests or a substantively  
15 identical version or copy of that flyer to employees working at the store(s). If so, identify each  
16 such person(s) or entity and the approximate date(s) of each such request.

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18           **ANSWER:**  
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22           **INTERROGATORY NO. 7:** State the name(s) and locations of each and every retail  
23 establishment (including retail grocery stores) you visited in Washington State between

1 December 1, 2021 and March 1, 2022 with the flyer identified as Exhibit A to these discovery  
2 requests or a substantively identical version or copy of that flyer on your person.  
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4 **ANSWER:**  
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8 **INTERROGATORY NO. 8:** State the make, model, and license plate number of any  
9 and all vehicles you owned, leased, borrowed, or drove between December 1, 2021 and March  
10 1, 2022.  
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12 **ANSWER:**  
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15 **INTERROGATORY NO. 9:** State how you obtained the flyer identified as Exhibit A  
16 to these discovery requests or a substantively identical version or copy of that flyer. If you  
17 obtained the flyer from a person(s) or entit(ies) identify all such person(s) or entities.  
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19 **ANSWER:**  
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1           **INTERROGATORY NO. 10:** Please state whether you have made a claim on your  
2 behalf or on behalf of any entity that is a party to this case for coverage under any policy of  
3 insurance to defend against or satisfy the claims asserted in Plaintiffs' complaint.  
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5           **ANSWER:**  
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8           **INTERROGATORY NO. 11:** State whether any third party (other than an insurer) is  
9 paying for your defense against the claims asserted against you in Plaintiffs' complaint,  
10 including any attorneys' fees incurred in your defense.  
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12           **ANSWER:**  
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15                           **REQUESTS FOR PRODUCTION**

16           **REQUEST FOR PRODUCTION NO. 1:** Please produce any documents that discuss  
17 the flyer attached as Exhibit A to these discovery requests or a substantively identical version  
18 or copy of that flyer. Please exclude any document that reflects communications between you  
19 and your attorney or any attorney(s) with whom you sought or obtained legal advice concerning  
20 the flyer.  
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22           **RESPONSE:**  
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1           **REQUEST FOR PRODUCTION NO. 2:** Please produce any documents that discuss  
2 any of the statements made in flyer attached as Exhibit A to these discovery requests. Please  
3 exclude any document that reflects communications between you and your attorney or any  
4 attorney(s) with whom you sought or obtained legal advice concerning the flyer.

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7           **RESPONSE:**  
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10           **REQUEST FOR PRODUCTION NO. 3:** Please produce any documents that discuss  
11 your distribution or dissemination of the flyer attached as Exhibit A to these discovery requests  
12 or a substantively identical version or copy. Please exclude any document that reflects  
13 communications between you and your attorney or any attorney(s) with whom you sought or  
14 obtained legal advice concerning the flyer.

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16           **RESPONSE:**  
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19           **REQUEST FOR PRODUCTION NO. 4:** Please produce any documents that discuss  
20 the possibility that any Plaintiff to this action would bring a lawsuit against you or any other  
21 person(s) or entities, excluding documents that reflect your communications with your  
22 attorney(s) or the attorney(s) of any other defendant to this action.  
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**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:** Please produce any documents that discuss the Plaintiffs' lawsuit against you, excluding documents that reflect your communications with your attorney(s) or the attorney(s) of any other defendant to this action.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 6:** Please produce any documents that reflect any action(s) you took to determine the truth or falsity of the statements in the flyer attached to these discovery requests as Exhibit A or any substantively identical version or copy of that flyer.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:** Please produce any policy of insurance under which you have made a claim of coverage relating to your defense of this action or your satisfaction of the claims asserted in Plaintiffs' complaint whether such claim of coverage was made on your own behalf or on the behalf of any other party to this action.



1                   **RESPONSE:**

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4                   **REQUEST FOR PRODUCTION NO. 8:** Please produce any and all documents that

5 use the following words or terms: "Faye", "Guenther", "Gunther", "UFCW", "United Food and

6 Commercial Workers", "Angel", "367", "1439", "21", "3000", or "Sexual Harassment."

7

8                   **RESPONSE:**


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11                   DATED this 2nd day of September, 2022.

12

13                   STREEPY LAW PLLC

14 

15 \_\_\_\_\_

16 James G. McGuinness

17 WSBA No. 23494

18 jim@mcguinnessstreepy.com

19 Aaron Streepy, WSBA No. 38149

20 aaron@mcguinnessstreepy.com

21 *Attorneys for Plaintiffs*

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**CERTIFICATION OF ATTORNEY**

I am the attorney for Defendant Joseph H. Emmons in this matter, and I hereby certify that I have read the foregoing Plaintiffs' First Discovery Requests to Defendant Joseph H. Emmons and the Responses thereto, and believe that the same are in compliance with CR 26(g).

DATED this \_\_\_\_ day of \_\_\_\_\_, 2022.

By \_\_\_\_\_  
Ambika Kumar, WSBA No. 38237  
**DAVIS WRIGHT TREMAINE LLP**  
920 Fifth Avenue, Ste. 3300  
Seattle, WA 98104-1610  
Tel: (206) 622-3150  
Fax: (206) 757-7700  
AmbikaKumar@dwt.com

*Attorneys for Defendant Joseph H. Emmons*

**VERIFICATION OF DEFENDANT JOSEPH H. EMMONS**

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I, Joseph H. Emmons, having been first duly sworn on oath, depose and say: I have read the within and foregoing Plaintiffs' First Discovery Requests to Defendant Joseph H. Emmons, and hereby verify that all documents and things in my possession or access have been or are made available for inspection by plaintiffs' attorneys; and that the answers provided herein are true and correct.

\_\_\_\_\_  
Joseph H. Emmons

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
(Printed Name) \_\_\_\_\_

NOTARY PUBLIC in and for the State of

\_\_\_\_ residing at \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, James G. McGuinness, certify that on this 2nd day of September , 2022, I caused to be served a true and correct copy of the following:

- **Plaintiffs' First Discovery Requests to Defendants Joseph H. Emmons**

on the following individual(s) as noted below:

<p>Ambika Kumar, WSBA No. 38237  <b>DAVIS WRIGHT TREMAINE LLP</b>  920 Fifth Avenue, Ste. 3300  Seattle, WA 98104-1610  Tel: (206) 622-3150  Fax: (206) 757-7700  <u>AmbikaKumar@dwt.com</u></p> <p>Sara Fairchild, <u>sarafairchild@dwt.com</u>  Michelle Stark, <u>michellestark@dwt.com</u>  Malinda Quirante, <u>malindaquirante@dwt.com</u></p>	<p><b><u>Via Electronic Mail</u></b></p>
<p>John DiLorenzo  <b>DAVIS WRIGHT TREMAINE LLP</b>  1300 SW Fifth Avenue  Suite 2400  Portland, Oregon 97201  Tel: (503) 778-5216  Fax: (503) 276-5716  <u>johndilorenzo@dwt.com</u></p>	<p><b><u>Via Electronic Mail</u></b></p>



James G. McGuinness

**ATTENTION UFCW MEMBERS**

**The in-union "Sexual Harassment club" is at it again!!**

First Faye Gunther (President of Local 21) helped former 367 President Angel Gonzalez cover up his harassment charges and paid him off in exchange for installing her puppet, Mike Hines.



Now she's helping Eric Renner (the Local 1439 President) hide from sexual harassment charges and land a cushy new gig with Local 21 through a forced merger.



**OUR UNION SHOULD BE LOOKING OUT FOR US  
NOT PROTECTING HARASSERS!**

**It's time to STOP THE COVERUPS!**

**VOTE NO ON ANY MERGER!**

## **EXHIBIT D**

**UFCW 3000, et al. v. Emmons, et al., Case No. 22-2-02442-32 - UPEPA Motion**

Fairchild, Sara <SaraFairchild@dwt.com>

Thu 9/15/2022 3:03 PM

To: Jim McGuinness <jim@mcguinnessstreepy.com>; Aaron Streepy  
<Aaron@mcguinnessstreepy.com>; bmayo@pyklawyers.com <bmayo@pyklawyers.com>

Cc: Kumar, Ambika <AmbikaKumar@dwt.com>; DiLorenzo, John <johndilorenzo@dwt.com>; Stark, Michelle  
<MichelleStark@dwt.com>

Counsel,

Pursuant to RCW 4.105.020, Mr. Emmons and Osprey Field Consulting LLC provide notice of their intent to file a special motion for expedited relief to dismiss the complaint. Under RCW 4.105.03, all proceedings, including discovery and any pending hearing or motion, are stayed.

Regards,  
Sara

**Sara Fairchild | Davis Wright Tremaine LLP**

920 Fifth Avenue, Suite 3300 | Seattle, WA 98104

Tel: (206) 757-8234 | Fax: (206) 757-7234

Email: [sarafairchild@dwt.com](mailto:sarafairchild@dwt.com) Website: [www.dwt.com](http://www.dwt.com)

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## **EXHIBIT E**



**RE: UFCW 3000, et al. v. Emmons, et al., Case No. 22-2-02442-32 - RCW 7.96.050 Request**

**Kumar, Ambika** <AmbikaKumar@dwt.com>

Fri 9/23/2022 9:04 AM

To: Fairchild, Sara <SaraFairchild@dwt.com>; Jim McGuinness <jim@mcguinnessstreepy.com>; Aaron Streepy <Aaron@mcguinnessstreepy.com>; bmayo@pklawyers.com <bmayo@pklawyers.com>

Cc: DiLorenzo, John <johndilorenzo@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>

Counsel: We wanted to be sure you received the email below and ask that you let us know when you will respond substantively.

Regards,  
Ambika

**Ambika Kumar** | Davis Wright Tremaine LLP

Partner | Co-Chair, Media Law Practice

920 Fifth Avenue, Suite 3300 | Seattle, WA 98104

Tel: (206) 757-8030 | Fax: (206) 757-7030 | Mobile: (206) 356-0397

Email: [ambikakumar@dwt.com](mailto:ambikakumar@dwt.com) | Bio: <https://www.dwt.com/people/k/kumar-ambika>

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**From:** Fairchild, Sara <SaraFairchild@dwt.com>

**Sent:** Wednesday, September 7, 2022 2:59 PM

**To:** Jim McGuinness <jim@mcguinnessstreepy.com>; Aaron Streepy <Aaron@mcguinnessstreepy.com>; bmayo@pklawyers.com

**Cc:** Kumar, Ambika <AmbikaKumar@dwt.com>; DiLorenzo, John <johndilorenzo@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>

**Subject:** UFCW 3000, et al. v. Emmons, et al., Case No. 22-2-02442-32 - RCW 7.96.050 Request

Counsel,

Pursuant to RCW 7.96.050, Mr. Emmons and Osprey Field Consulting LLC request you provide all reasonably available information material to the falsity of the statements your clients allege are defamatory or otherwise actionable. In making this request, Mr. Emmons and Osprey Field Consulting do not concede responsibility for the statements and reserve all rights and defenses.

Thanks,  
Sara

**Sara Fairchild** | Davis Wright Tremaine LLP

920 Fifth Avenue, Suite 3300 | Seattle, WA 98104

Tel: (206) 757-8234 | Fax: (206) 757-7234

Email: [sarafairchild@dwt.com](mailto:sarafairchild@dwt.com) Website: [www.dwt.com](http://www.dwt.com)

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**RE: UFCW 3000 et al. v. J, Emmons/Osprey Field Consulting LLC**

Kumar, Ambika <AmbikaKumar@dwt.com>

Fri 9/23/2022 9:05 AM

To: DiLorenzo, John <johndilorenzo@dwt.com>; Jim McGuinness <jim@mcguinnessstreepy.com>

Cc: Aaron Streepy <Aaron@mcguinnessstreepy.com>; Fairchild, Sara <SaraFairchild@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>

Following up on this email, as well.

Ambika

**Ambika Kumar | Davis Wright Tremaine LLP**

Partner | Co-Chair, Media Law Practice

920 Fifth Avenue, Suite 3300 | Seattle, WA 98104

Tel: (206) 757-8030 | Fax: (206) 757-7030 | Mobile: (206) 356-0397

Email: [ambikakumar@dwt.com](mailto:ambikakumar@dwt.com) | Bio: <https://www.dwt.com/people/k/kumar-ambika>

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**From:** DiLorenzo, John <johndilorenzo@dwt.com>

**Sent:** Monday, August 8, 2022 4:56 PM

**To:** Jim McGuinness <jim@mcguinnessstreepy.com>; Kumar, Ambika <AmbikaKumar@dwt.com>

**Cc:** Aaron Streepy <Aaron@mcguinnessstreepy.com>; DiLorenzo, John <johndilorenzo@dwt.com>

**Subject:** RE: UFCW 3000 et al. v. J, Emmons/Osprey Field Consulting LLC

Hello Jim and Aaron,

Thank you for affording us 45 days in which to respond to your complaint. Ambika will handle service issues with you under separate cover. In the meantime, we are investigating the allegations in your complaint to ready our ultimate response.

Your complaint appears to seek compensation for damage to union officers' reputations, Fay Guenther's (UFCW 3000's President) "emotional distress, pain and suffering," and the cost of responding to the flyers, plus attorneys' fees. Can you provide us a good faith estimate of what those damages would amount to in terms of dollars?

I understand you wish the flexibility of proving damages at trial but hope you can give us a rough estimate of at least a range of what they would amount to.

That will help us further evaluate your claim. Thanks.

**John DiLorenzo | Davis Wright Tremain LLP**

1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201

Tel: (503) 778-5216 | Fax: (503) 276-5716 | Mobile: (503) 704-5162

Email: [johndilorenzo@dwt.com](mailto:johndilorenzo@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

Bio: [www.dwt.com/people/JohnADiLorenzoJr](http://www.dwt.com/people/JohnADiLorenzoJr)

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**From:** Jim McGuinness <[jim@mcguinnessstreepy.com](mailto:jim@mcguinnessstreepy.com)>

**Sent:** Friday, August 5, 2022 1:17 PM

**To:** Kumar, Ambika <[AmbikaKumar@dwt.com](mailto:AmbikaKumar@dwt.com)>; DiLorenzo, John <[johndilorenzo@dwt.com](mailto:johndilorenzo@dwt.com)>

**Cc:** Aaron Streepy <[Aaron@mcguinnessstreepy.com](mailto:Aaron@mcguinnessstreepy.com)>

**Subject:** UFCW 3000 et al. v. J, Emmons/Osprey Field Consulting LLC

**[EXTERNAL]**

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Dear Ambika:

Per John's email to Aaron Streepy, I am reaching out to you about acceptance of service in the above-referenced matter. I've attached an acceptance document for your review. I've dated it for Monday in case you are not available today. Please let us know if it is acceptable as drafted or if you have any concerns. Thank you.

Sincerely,

James G. McGuinness

Streepy Law, PLLC

(253) 528-0274 (direct line)

## **EXHIBIT F**

**Re: UFCW 3000 et al. v. J, Emmons/Osprey Field Consulting LLC**

Jim McGuinness <jim@mcguinnessstreepy.com>

Fri 9/23/2022 3:27 PM

To: Kumar, Ambika <AmbikaKumar@dwt.com>; DiLorenzo, John <johndilorenzo@dwt.com>

Cc: Aaron Streepy <Aaron@mcguinnessstreepy.com>; Fairchild, Sara <SaraFairchild@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>

Ambika:

In light of Sara's email to us dated 9-15, Plaintiffs are observing the stay in effect by operation of law-- RCW 4.105.030 (1) (a) pending a motion by one of the parties to lift it. I'm traveling this afternoon but am available to discuss the stay and related topics on Monday. Please let me know if/when you are available.

Sincerely,

James G. McGuinness

Streepy Law, PLLC

(253) 528-0274 (direct line)

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**From:** Kumar, Ambika <AmbikaKumar@dwt.com>

**Sent:** Friday, September 23, 2022 9:05 AM

**To:** DiLorenzo, John <johndilorenzo@dwt.com>; Jim McGuinness <jim@mcguinnessstreepy.com>

**Cc:** Aaron Streepy <Aaron@mcguinnessstreepy.com>; Fairchild, Sara <SaraFairchild@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>

**Subject:** RE: UFCW 3000 et al. v. J, Emmons/Osprey Field Consulting LLC

Following up on this email, as well.

Ambika

**Ambika Kumar | Davis Wright Tremaine LLP**

Partner | Co-Chair, Media Law Practice

920 Fifth Avenue, Suite 3300 | Seattle, WA 98104

Tel: (206) 757-8030 | Fax: (206) 757-7030 | Mobile: (206) 356-0397

Email: [ambikakumar@dwt.com](mailto:ambikakumar@dwt.com) | Bio: <https://www.dwt.com/people/k/kumar-ambika>

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**From:** DiLorenzo, John <johndilorenzo@dwt.com>

**Sent:** Monday, August 8, 2022 4:56 PM

**To:** Jim McGuinness <jim@mcguinnessstreepy.com>; Kumar, Ambika <AmbikaKumar@dwt.com>

**Cc:** Aaron Streepy <Aaron@mcguinnessstreepy.com>; DiLorenzo, John <johndilorenzo@dwt.com>

**Subject:** RE: UFCW 3000 et al. v. J, Emmons/Osprey Field Consulting LLC

Hello Jim and Aaron,

Thank you for affording us 45 days in which to respond to your complaint. Ambika will handle service issues with you under

## **EXHIBIT G**

**RE: UFCW 3000 et al. v. J. Emmons/Osprey Field Consulting LLC**

**Jim McGuinness <jim@mcguinnessstreepy.com>**

**Tue 10/11/2022 9:07 AM**

**To: Kumar, Ambika <AmbikaKumar@dwt.com>; Fairchild, Sara <SaraFairchild@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>; DiLorenzo, John <johndilorenzo@dwt.com>**

**Cc: Aaron Streepy <Aaron@mcguinnessstreepy.com>**

**Ambika/Sara:**

**After our conference yesterday we reviewed the Plaintiffs' outstanding written discovery requests. At this stage of the case while the motion to dismiss is pending, Plaintiffs are willing to pare down their requests as follows: Interrogatories 1, 2, 4, 6, 9. Request for Production 1-3, 6. Please let us know whether your client is willing to provide answers to those written discovery requests and submit to a deposition upon oral examination. It's possible the depo might not be needed if the answers to the written discovery requests make it duplicative.**

**Sincerely,**

**James G. McGuinness**

**Streepy Law, PLLC**

**(253) 528-0274 (direct line)**

## **EXHIBIT H**



**RE: UFCW 3000 et al. v. Emmons et al.**

Fairchild, Sara <SaraFairchild@dwt.com>

Mon 10/24/2022 11:29 AM

To: Kumar, Ambika <AmbikaKumar@dwt.com>; Jim McGuinness <jim@mcguinnessstreepy.com>

Cc: DiLorenzo, John <johndilorenzo@dwt.com>; Aaron Streepy <Aaron@mcguinnessstreepy.com>; Chan, Gina <GinaChan@dwt.com>

 1 attachments (131 KB)

United Food & Commercial Workers Union 3000 vs. Emmons, Joseph #22-2-02442-32 - Status Conference;

Jim,

We spoke with our client. Given we brought the UPEPA motion under a Rule 12(b)(6) standard, we do not think any discovery is necessary or warranted at this stage. The narrowed discovery requests you identified seem primarily aimed at verifying allegations in the complaint, which at the 12(b)(6) stage, the court accepts as true.

With regard to the Court's email this morning (attached), we agree to complete the JSR and continue with the status conference this week.

Thanks,  
Sara

**Sara Fairchild | Davis Wright Tremaine LLP**

920 Fifth Avenue, Suite 3300 | Seattle, WA 98104

Tel: (206) 757-8234 | Fax: (206) 757-7234

Email: [sarafairchild@dwt.com](mailto:sarafairchild@dwt.com) Website: [www.dwt.com](http://www.dwt.com)

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**From:** Kumar, Ambika <AmbikaKumar@dwt.com>

**Sent:** Thursday, October 13, 2022 6:04 PM

**To:** Jim McGuinness <jim@mcguinnessstreepy.com>; Fairchild, Sara <SaraFairchild@dwt.com>

**Cc:** DiLorenzo, John <johndilorenzo@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>; Aaron Streepy <Aaron@mcguinnessstreepy.com>

**Subject:** RE: UFCW 3000 et al. v. Emmons et al.

Jim, we still need to talk to our client, and that won't happen until sometime next week.

**Ambika Kumar | Davis Wright Tremaine LLP**

Partner | Co-Chair, Media Law Practice

920 Fifth Avenue, Suite 3300 | Seattle, WA 98104

Tel: (206) 757-8030 | Fax: (206) 757-7030 | Mobile: (206) 356-0397

Email: [ambikakumar@dwt.com](mailto:ambikakumar@dwt.com) | Bio: <https://www.dwt.com/people/k/kumar-ambika>

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**From:** Jim McGuinness <jim@mcguinnessstreepy.com>

**Sent:** Thursday, October 13, 2022 4:19 PM

**To:** Kumar, Ambika <AmbikaKumar@dwt.com>; Fairchild, Sara <SaraFairchild@dwt.com>

**Cc:** DiLorenzo, John <johndilorenzo@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>; Aaron Streepy

**<Aaron@mcguinnessstreepy.com>**

**Subject: UFCW 3000 et al. v. Emmons et al.**

**Ambika/Sara:**

**Have you had the opportunity to consider our proposal with respect to limited discovery? Aaron and I are hoping to make some decisions tomorrow with respect to the motion. Please let us know if you have any questions. Thank you.**

**Sincerely,**

**James G. McGuinness**

**Streepy Law, PLLC**

**(253) 528-0274 (direct line)**

# EXHIBIT I

**Re: UFCW 3000 v. Emmons / SERVICE**

Jim McGuinness <jim@mcguinnessstreepy.com>

Thu 12/15/2022 11:27 AM

To: Kumar, Ambika <AmbikaKumar@dwt.com>; Fairchild, Sara <SaraFairchild@dwt.com>; DiLorenzo, John <johndilorenzo@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>; Quirante, Malinda <malindaquirante@dwt.com>; Merritt, Lisa <LisaMerritt@dwt.com>

Cc: Aaron Streepy <Aaron@mcguinnessstreepy.com>; Nicholas D. Kovarik <nkovarik@pyklawyers.com>

Hi Ambika:

Based on your email, my assumption is Mr. Emmons remains unwilling to answer Plaintiffs' written discovery requests (as previously modified) or submit to a deposition upon oral examination. Please let me know today if my assumption is not accurate.

I am checking with all counsel representing Plaintiffs about any conflicts they have in the next few months. If the above assumption is correct, Plaintiffs will file a discovery motion with the court very soon with a request for oral argument. Can you check on your side for conflicts and proposed dates. Let's try to get back to each other by the end of the day, if possible. My initial thought is to have the discovery motion set up in late January and the dispositive motion set up sometime later (March perhaps), so we get a ruling from the court on the first motion. Happy to discuss a schedule with you or any specific dates anytime.

Sincerely,

James G. McGuinness

Streepy Law, PLLC

(253) 528-0274 (direct line)

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**From:** Kumar, Ambika <AmbikaKumar@dwt.com>

**Sent:** Wednesday, December 14, 2022 4:51 PM

**To:** Jim McGuinness <jim@mcguinnessstreepy.com>; Fairchild, Sara <SaraFairchild@dwt.com>; DiLorenzo, John <johndilorenzo@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>; Quirante, Malinda <malindaquirante@dwt.com>; Merritt, Lisa <LisaMerritt@dwt.com>

**Cc:** Aaron Streepy <Aaron@mcguinnessstreepy.com>; Nicholas D. Kovarik <nkovarik@pyklawyers.com>

**Subject:** RE: UFCW 3000 v. Emmons / SERVICE

Jim, we are planning to file our anti-SLAPP motion shortly. Could you please send us some dates you are available for a hearing, as we plan to ask for oral argument? We can then contact the Court to get a date that work. And, of course, if we need to negotiate a schedule so no one is working over the holidays, we are happy to do so.

**Ambika Kumar | Davis Wright Tremaine LLP**

920 Fifth Avenue, Suite 3300 | Seattle, WA 98104

Tel: (206) 757-8030 | Mobile: (206) 356-0397

Email: [ambikakumar@dwt.com](mailto:ambikakumar@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

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**From:** Jim McGuinness <jim@mcguinnessstreepy.com>

**Sent:** Friday, December 9, 2022 12:46 PM

**To:** Kumar, Ambika <AmbikaKumar@dwt.com>; Fairchild, Sara <SaraFairchild@dwt.com>; DiLorenzo, John

<johndilorenzo@dwt.com>; Stark, Michelle <MichelleStark@dwt.com>; Quirante, Malinda  
<malindaquirante@dwt.com>; Merritt, Lisa <LisaMerritt@dwt.com>

**Cc:** Aaron Streepy <Aaron@mcguinnessstreepy.com>; Nicholas D. Kovarik <nkovarik@pyklawyers.com>

**Subject:** UFCW 3000 v. Emmons / SERVICE

Counsel:

Attached please find four documents that have been filed with the Court. Also, please add Nick Kovarik to our service list and remove Mr. Mayo. Thank you.

Sincerely,

James G. McGuinness

Streepy Law, PLLC

(253) 528-0274 (direct line)